

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

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Court of Appeals, District of Columbia

OCTOBER TERM, 1902.

No. 1227.

170

No. 5, SPECIAL CALENDAR.

**THEODORE L. PAGE AND WARREN J. COFFIN,
PLAINTIFFS IN ERROR,**

vs.

THE DISTRICT OF COLUMBIA.

IN ERROR TO THE POLICE COURT OF THE DISTRICT OF COLUMBIA.

FILED JUNE 20, 1902.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

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Witness the Honorable Richard H. Alvey, Chief Justice of the said Court of Appeals, the 6th day of June, in the year of our Lord one thousand nine hundred and two.

ROBERT WILLETT,
Clerk of the Court of Appeals of the District of Columbia.

Allowed by—

R. H. ALVEY,
*Chief Justice of the Court of Appeals
of the District of Columbia.*

3 In the Police Court of the District of Columbia, April Term,
A. D. 1902.

DISTRICT OF COLUMBIA, ss :

James L. Pugh, Jr., Esq., assistant city solicitor for the District of Columbia, who for the said District prosecutes in this behalf in his proper person, comes here into court, and causes the court to be informed and complains that Theodore L. Page late of the District aforesaid, on the second day of January in the year A. D. one thousand nine hundred and two, and on divers other days and times between the said second day of January and the thirtieth day of April, in the year one thousand nine hundred and two, in the city of Washington and in the District aforesaid, did engage in the sale of intoxicating liquors in quantities less than five gallons, at the same time to be drunk on the premises, without first having obtained a license so to do, said sales not being made under a provision of law requiring the said Page to sell personal property, contrary to and in violation of an act of Congress, entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, and constituting a law of the District of Columbia.

JAMES L. PUGH, JR.,
Assistant City Solicitor for the District of Columbia.

Personally appeared William E. Johnson this 1st day of May, A. D. 1902, and made oath before me that the facts set forth in the foregoing information are true.

[SEAL.]

W. H. RUFF,
*Deputy Clerk of the Police Court for the District
of Columbia, Acting in the Absence of the Clerk.*

[Endorsed:] Col. 5 No. 220608 Information. District of Columbia vs. Theo. L. Page House res't, Capitol. Unlicensed bar. Hazelton 5/26 P. M. G. Witnesses: Wm. Johnson. 5/21. Motion to quash overruled 300-60 5/6/13-19/26/31 Filed May 1 1902. Joseph Y. Potts clerk, police court, D. C.

In the Court of Appeals of the District of Columbia.

THEODORE L. PAGE ET AL., Plaintiffs in Error, }
 vs. } No. 1227.
 THE DISTRICT OF COLUMBIA.

1 In the Police Court of the District of Columbia, April Term,
1902.

DISTRICT OF COLUMBIA	}	No. 220,608, 220,609. Information for Unlicensed Bar.
<i>vs.</i>		
THEODORE L. PAGE, WARREN J. Coffin.		

Be it remembered that in the police court of the District of Columbia, at the city of Washington, in the said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above-entitled cause, to wit:

2 UNITED STATES OF AMERICA, ss:

The President of the United States to the Honorable Charles F. Scott,
judge of the police court of the District of Columbia, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said police court, before you, between The District of Columbia plaintiff and Theodore L. Page and Warren J. Coffin, defendants, a manifest error hath happened, to the great damage of the said defendants as by their complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Court of Appeals of the District of Columbia, together with this writ, so that you have the same in the said Court of Appeals, at Washington, within 15 days from the date hereof, that the record and proceedings aforesaid being inspected, the said Court of Appeals may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States should be done.

4 In the Police Court of the District of Columbia, April Term,
A. D. 1902.

DISTRICT OF COLUMBIA, ss :

James L. Pugh, Jr., Esq., assistant city solicitor for the District of Columbia, who for the said District prosecutes in this behalf in his proper person, comes here into court, and causes the court to be informed and complains that Theodore L. Page and Warren J. Coffin late of the District aforesaid, on the second day of January, in the year A. D. one thousand nine hundred and two, and on divers other days and times between the said second day of January and the thirtieth day of April, in the year one thousand nine hundred and two, in the city of Washington and in the District aforesaid, did engage in the sale of intoxicating liquors in quantities less than five gallons, at the same time to be drunk on the premises, without first having obtained a license so to do, said sales not being made under a provision of law requiring the said Page and Coffin to sell personal property, contrary to and in violation of an act of Congress entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, and constituting a law of the District of Columbia.

JAMES L. PUGH, JR.,
Assistant City Solicitor for the District of Columbia.

Personally appeared Wm. E. Johnson this 1st day of May, A. D. 1902, and made oath before me that the facts set forth in the foregoing information are true.

[SEAL.]

W. H. RUFF,
*Deputy Clerk of the Police Court for the District
of Columbia, Acting in the Absence of the Clerk.*

[Endorsed:] Col. 5 No. 220609 Information. District of Columbia vs. Theo. L. Page Warren J. Coffin House res't Capitol Unlicensed bar, Hazelton 5/26 P. M. G. Witnesses: Wm. E. Johnson 5/21 Motion to quash overruled 300-60 5/6/13-19/21/26/31 P. R. Filed May 1, 1902. Joseph Y. Potts, clerk, police court, D. C.

5 Filed May 28, 1902. Joseph Y. Potts, Clerk Police Court,
D. C.

In the Police Court of the District of Columbia, April Term.

DISTRICT OF COLUMBIA	}	Nos. 220,608, 220,609,
vs.		Consolidated by
THEODORE L. PAGE and WARREN J. COFFIN.		Order of the Court.

Bill of Exceptions.

Be it remembered that on the trial of this cause before the Honorable Charles F. Scott, one of the judges of said court, begun and

held on the 26th day of May, 1902, the following proceedings were had to wit:—

1st. The parties by their respective attorneys stipulated as follows:

It is hereby stipulated by and between the attorney for the District of Columbia and the attorney for the above-named defendants that the locus where the alleged selling of liquor is charged, to which the above information is intended to refer, and does refer, is the restaurants or eating places in the Senate and House wings of the National Capitol building, situate in a Government reservation known as the Capitol grounds in the city of Washington, District of Columbia, and that the said restaurants are intended for the use and convenience of the members of Congress to which also the public is admitted, and that they are managed and conducted by the above-

6 named defendants under the direction and by the authority of a committee of the Senate known as the Committee on Rules embraced in the following language, to wit:—"It shall be the duty of the Committee on Rules to make all rules and regulations respecting such parts of the Capitol, its passages and galleries, including the restaurant, as are and may be set apart for the use of the Senate and its officers to be enforced under the direction of the presiding officer." (See Standing Rules of the Senate, rule 34, page 29.) And under the direction and by the authority of a committee of the House of Representatives known as the Committee on Public Buildings and Grounds respectively the said rule of the House being as follows, viz: "Resolved that the subject of leasing the restaurant and prescribing the rules under which it shall be kept is hereby committed to the Committee on Revisal and Unfinished Business with full power to make such regulations as may seem to them expedient, and all resolutions heretofore passed relating thereto are hereby repealed."

2nd. "Resolved that the House restaurant be placed in charge of the Committee on Public Buildings and Grounds with the same powers heretofore possessed by the Committee on Revisal and Unfinished Business." (See Constitution Manual and Digest, House of Representatives 2nd session, 55th Congress, page 304.)

Said rules shall be considered as embraced in this stipulation together with any other rules therein contained applicable thereto.

JAMES L. PUGH, JR.,
Ass't City Solicitor for the D. C.
GEO. C. HAZELTON,
Att'y for Defendant.

7 Whereupon the attorney for the defendants upon the said informations and the foregoing stipulation moved the court to quash the said informations for want of jurisdiction in this court, in that the act of Congress of March 3rd, 1893, entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," does not extend in any of its provisions to the said Capitol buildings and confers no jurisdiction whatever upon this court to entertain this prosecution.

The court after having heard argument of counsel on said motion overruled the same, to which the attorney for the defendants objected and made and reserved an exception to the said ruling of the court denying the said motion to quash said information and thereupon the defendants pleaded not guilty to the said information.

And thereupon WILLIAM JOHNSON was offered as a witness on behalf of the District of Columbia and the attorney for the defendants objected to his being sworn and to his testifying in the said cases for the reason that the court had no jurisdiction over the subject-matter involved in these cases, nor of the defendants therein named, which objection was overruled by the court and an exception made and reserved by the attorney for the defendants to the said ruling of the court; and thereupon the said William Johnson was permitted by the court to be sworn as a witness on behalf of the said District of Columbia and testified as follows, to wit:

8 That on the 30th day of April, 1902, while on a visit to the United States Capitol building in the District of Columbia he bought a bottle of beer at the Senate restaurant in said building and drank it there with his lunch and paid for same.

That the said Theodore L. Page kept the said Senate restaurant.

That on the 25th day of April, 1902, while visiting the United States Capitol building in the District of Columbia he bought a bottle of beer at the restaurant of the House of Representatives and drank it with his lunch there and paid for the same.

That the keepers of the said House restaurant were the defendants Page and Coffin who were conducting the same, as he understood it, as partners.

The above was all the evidence given in the said cases.

Whereupon the attorney for the defendants renewed said motions for the reasons stated as aforesaid and also moved to dismiss the said cases upon the ground that the court is wholly without jurisdiction to entertain the same.

Which motions were overruled and denied by the court to which ruling of the court the attorney of the defendants at the time excepted. Whereupon the court held the defendants guilty and sentenced them to pay a fine of three hundred dollars and in default to be committed in the workhouse for 60 days.

9 That at the time of the said rulings of the said court the defendants by their said attorney caused a note of their intentions to apply for a writ of error to be made.

Wherefore the court signs and seals this their bill of exceptions.

CHARLES F. SCOTT, *Judge.*

[Endorsed:] Copy.

10 In the Police Court of the District of Columbia, April Term,
1902.

DISTRICT OF COLUMBIA }
vs. } No. 220,608. Information for
THEODORE L. PAGE. } Unlicensed Bar.

Defendant arraigned May 26, 1902.

Plea: Not guilty.

Con. May 28.

May 28.—Judgment: Guilty. Con. May 31.

May 31.—Sentence: To pay a fine of \$300 *dollars*, and, in default, to be committed to the workhouse for the term of sixty days.

Consolidated with case No. 220,609 by order of court. May 13.—Stipulation of counsel filed. May 21.—Defendant, by his counsel, moves to quash information. Motion to quash argued and overruled. Exceptions taken to rulings of court on matters of law and notice given by defendant in open court at the time of several rulings of his intention to apply to a justice of the Court of Appeals, D. C., for a writ of error.

May 28.—Bills of exception filed, settled and signed.

JUNE 20'', 1902.

I hereby certify under the seal of this court, that the foregoing is a true copy of the record of the proceedings had in the police court in the above-entitled case.

[Seal Police Court of District of Columbia.]

JOSEPH HARPER,
Dep. Clerk Police Court, Dist. of Columbia.

11 In the Police Court of the District of Columbia, April Term,
1902.

DISTRICT OF COLUMBIA }
vs. } No. 220,609. Information
THEODORE L. PAGE, WARREN J. COFFIN. } for Unlicensed Bar.

Defendant arraigned May 26, 1902.

Plea: Not guilty.

Con. May 28.

Verdict: Guilty.

May 28.—Judgment: Guilty.

Con. May 31.

May 31.—Sentence: To pay a fine of \$300, and, in default, to be committed to the workhouse for the term of sixty days.

Personal recognizance in the sum of \$100 entered into to appear in police court.

Consolidated with No. 220608 by order of court.

May 13.—Stipulation of counsel filed.

May 21.—Defendants, by their counsel, move to quash information. Motion to quash argued and overruled.

Exceptions taken to rulings of court on matters of law and notice given by defendant- in open court at the time of several rulings of their intention to apply to a justice of the Court of Appeals, D. C., for a writ of error.

May 28.—Bills of exception filed, settled and signed.

Recognizance in the sum of \$500 entered into on writ of error to Court of Appeals, D. C., upon the condition that in the event of the denial of the application for a writ of error, the defendant will, within five days next after the expiration of ten days, appear in police court and abide by and perform its judgment, and that in the event of the granting of such writ of error, the defendant will appear in the Court of Appeals of the District of Columbia and abide by and perform its judgment in the premises. Michael G. McCormick, surety.

June 6.—Writ of error received from Court of Appeals.

JUNE 20'', 1902.

I hereby certify under the seal of this court, that the foregoing is a true copy of the record of the proceedings had in the police court in the above-entitled case.

[Seal Police Court of District of Columbia.]

JOSEPH HARPER,
Clerk Police Court, Dist. of Columbia.

12 UNITED STATES OF AMERICA, } ss :
District of Columbia,

In the Police Court of the District of Columbia.

I, Joseph Y. Potts clerk of the police court of the District of Columbia, do hereby certify *that* the foregoing pages, numbered from 1 to 11 inclusive, to be true copies of originals in causes No. 220608 and 220609 wherein The District of Columbia is plaintiff and Theodore L. Page and Warren J. Coffin defendants, as the same remain upon the files and records of said court.

In testimony whereof I hereunto subscribe my name and affix the seal of said court, — the city of Washington, in said District, this 20 day — June, A. D. 1902.

JOSEPH Y. POTTS,
Clerk Police Court, Dist. of Columbia.

Endorsed on cover: District of Columbia police court. No. 1227 Theodore L. Page *et al.* plaintiffs in error *vs.* The District of Columbia Court of Appeals, District of Columbia. Filed Jun- 20 1902 Robert Willett clerk